

BRIAN D. SHAPIRO

E-filed: August 5, 2010

Trustee in Bankruptcy
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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In Re:

Chapter 7
Case No. 09-16079-MKN

BILL CASTRO,

**TRUSTEE'S MOTION TO SELL NON-
EXEMPT ASSETS SUBJECT TO ANY
AND ALL LIENS AND ENCUMBRANCES**

Debtor(s).

Hearing Date: September 15, 2010
Hearing Time: 11:00 a.m.

BRIAN D. SHAPIRO, TRUSTEE respectfully moves this Court for an Order allowing the Trustee to sell the Estate's interest in Nye County Parcel No. 038-192-07 located at 780 E. Uranium Ave., Pahrump, Nevada (the "Real Property") subject to any and all liens and encumbrances, without warranty and in an "as is" condition to Bill Castro (the "Buyer"). This motion is based upon the following points and authorities, the pleadings and proceedings had herein, the Declaration of Brian D. Shapiro in Support and any oral argument this Court may permit.

/s/ Brian D. Shapiro
BRIAN D. SHAPIRO, TRUSTEE

MEMORANDUM OF POINTS AND AUTHORITIES

I. Statement of Facts

The following Facts are based upon the Declaration of Brian D. Shapiro, which is being filed contemporaneously with this motion.

1. On April 21, 2009 Debtor filed a voluntary petition for relief under Chapter 13 of the Bankruptcy Code in the United States Bankruptcy Court for the District of Nevada. Id.
2. On October 6, 2009 the case was converted to Chapter 7. Id.
3. Brian D. Shapiro was appointed as Chapter 7 Trustee in said case. Id.
4. On November 9, 2009 Debtor testified at his 341 Meeting of Creditors he owns Nye County Parcel No. 038-192-07 located at 780 E. Uranium Ave., Pahrump, Nevada County. He further testified that the Real Property is owned free and clear of liens. Id.
5. The Real Property is valued at \$4,200.00. Id.
6. The Trustee entered into a purchase agreement with Bill Castro to purchase the Estate's interest for \$4,200.00. Id. A copy of the purchase agreement is attached to the Declaration of Brian D. Shapiro as Exhibit 1.
7. The Trustee has examined the value of the Real Property and believes that the purchase price is approximately equal to its actual value. Id.
8. The Debtor is currently making monthly payments to complete the purchase of the Real Property. Id. A copy of the stipulated order for turnover of funds is attached to the Declaration of Brian D. Shapiro as Exhibit 2.

1 9. The Trustee also believes that it is in the best interest of the Estate to sell the Real
2 Property to Bill Castro. Id.

3 **II. Legal Argument**

4 STATEMENT OF LAW:

5 This Motion is brought pursuant to 11 U.S.C. §363 which provides:

6
7 (b)(1) The trustee after notice and a hearing, may use, sell, or lease,
8 other than in the ordinary course of business, property of the estate.

9 . . .

10 (f) The trustee may sell property under Section (b) or (c) of
11 this Section free and clear of any interest in such property of an
12 entity other than the estate, only if -

13 . . .

14 (3) Such interest is a lien and the price at which such property is to
15 be sold is greater than the aggregate value of all liens on such
16 property;

17 The Trustee believes that the proposed sale is in the best interest of the Estate, and that
18 considering the circumstances, the Estate is receiving fair and reasonable value for the assets
19 being sold.

20 **III. Conclusion**

21 The Trustee respectfully requests this Court to approve the sale of the Real Property,
22 less costs of sale and commissions, authorizing the Trustee to sign any and all documents to
23 consummate the sale.

24 DATED this 5th day of August, 2010.

25
26
27 /s/ Brian D. Shapiro
28 BRIAN D. SHAPIRO, TRUSTEE